

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

|                          |   |           |
|--------------------------|---|-----------|
| UNITED STATES OF AMERICA | ) |           |
|                          | ) |           |
| VS.                      | ) | 11 – 80 S |
|                          | ) |           |
| JUAN FUNES               | ) |           |

MOTION FOR SENTENCE REDUCTION

Now comes the defendant, Juan Funes, pursuant to 18 U.S.C. § 3582(c)(2), and moves this Honorable Court to reduce his sentence in accordance with Amendment 782 of the United States Sentencing Guidelines.

Mr. Funes was convicted and sentenced on Count 1: Possession with Intent to Distribute 100 grams or more of Heroin; and Count 2: Felon in Possession of a Firearm. Based on the weight of the heroin and relevant conduct, the court at sentencing assigned a guidelines base offense level of 26, plus two for possession of firearms, minus three for acceptance of responsibility, resulting a final offense level of 25. At a criminal history of III this resulted in an advisory guideline range of 70 – 87 months. Mr. Funes was sentenced to 70 months - the low end of his then-applicable guideline range.

Amendment 782 to the Sentencing Guidelines reduced the applicable offense level for most drug offenses by 2 levels and would reduce Mr. Funes's final offense level to 23, which at Criminal History level III results in an advisory range of 57 – 71 months. However, because Count 1 carries a statutory mandatory minimum of 60 months, Mr. Funes's reduced guideline range would be 60 – 71 months.

Mr. Funes therefore requests a reduction in his sentence to 60 months - the new "low-end" of his advisory guideline. The court has authority to grant this reduction pursuant to U.S.S.G. § 1B1.10 and 18 U.S.C. § 3582(c).

Respectfully submitted  
Juan Funes  
By his attorney,  
/s/ Olin W. Thompson, #5684  
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#### CERTIFICATION

I hereby certify that a copy of this motion was filed and delivered by electronic notification to Stephen Dambruch, AUSA, 50 Kennedy Plaza, 8<sup>th</sup> Floor, Providence, RI 02903, on March 16, 2015

/s/ Olin Thompson